UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

BRIAN FISCHLER, Individually and on behalf of all other persons similarly situated,

Plaintiff,

v.

MENGUIN, INC.,,

Defendant.

ECF CASE

No.: 1:18-cv-06654 (ARR)(PK)

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

With Defendant having not filed an Answer or a Summary Judgment Motion, Plaintiff hereby voluntarily dismisses this action without prejudice under Fed. R. Civ. P. 41(a)(1)(A)(i) and shall bear his own fees and costs.

Dated: June 12, 2019

New York, New York

s/Christopher H. Lowe Christopher H. Lowe LIPSKY LOWE LLP 630 Third Avenue, Fifth Floor New York, New York 10017 chris@lipskylowe.com Tel: 212.392.4772 Attorneys for Plaintiff